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Title of Document Transmitted:	BRIEF OF APPELLANT (in triplicate). Please charge in the amount of \$165 to Deposit Account No. 50-0494 for the Appeal Brief filing fee.
Applicant:	Stanley P. Dabrowski
Serial No.:	09/939,922
Filed:	August 27, 2001
Group Art Unit:	2876
For:	METHOD AND APPARATUS FOR SCRIP DISTRIBUTION AND MANAGEMENT PERMITTING REDISTRIBUTION OF ISSUED SCRIP
Our Ref. No.:	31003.1-US-U5

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By: *Victor G. Cooper*
Name: Victor G. Cooper
Reg. No.: 39,641

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Isabelle Ogata
Signature

April 2, 2004
Date

Due Date: April 9, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stanley P. Dabrowski Examiner: Uyen-Chau N. Le
Serial No.: 09/939,922 Group Art Unit: 2876
Filed: August 27, 2001 Docket: 31003.1-US-U5
Title: METHOD AND APPARATUS FOR SCRIP DISTRIBUTION AND MANAGEMENT
PERMITTING REDISTRIBUTION OF ISSUED SCRIP

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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By: Victor G. Cooper
Name: Victor G. Cooper

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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PERMITTING REDISTRIBUTION OF ISSUED
SCRIP

Examiner: Uyen-Chau N. Le

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Appeal No.: _____

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Dear Sir:

In accordance with 37 CFR §1.192, Appellant hereby submits the Appellant's Brief on Appeal from the final rejection in the above-identified application, in triplicate, as set forth in the Office Action dated November 10, 2003.

Please charge the amount of \$165 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) for a small entity to Deposit Account No. 50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I. REAL PARTY IN INTEREST

The real party in interest is Stanley P. Dabrowski, the inventor of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-17 are pending in the application.

Claim 6 is indicated as including patentable subject matter, and is objected to, but not rejected.

Claim 1 is rejected under the judicially created obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,598,788 (hereinafter the '788 patent). The Applicant has submitted an amendment under 37 C.F.R. § 1.116 to enter a terminal disclaimer to moot this rejection. This rejection is not being appealed.

Claims 1-3 and 7-17 were rejected under 35 U.S.C. §103(a) as being obvious over international publication number WO 94/16781 by Burns et al. (hereinafter "Burns") in view of U.S. Patent No. 4,835,624 to Black et al. (hereinafter "Black"), and these rejections are being appealed.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of Black, and further in view of international publication WO 95/24689 by Walker (hereinafter "Walker", and these rejections are being appealed.

IV. STATUS OF AMENDMENTS

An Amendment under 37 C.F.R. § 1.116 was filed on April 2, 2004, to amend claim 14 to correct a grammatical error and to enter a terminal disclaimer mooting the double-patenting rejection of claim 1. No further amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF THE INVENTION

Briefly, Appellant's invention, as recited in independent claims 1 and 14, is described as method, apparatus, and article of manufacture for transferring credits from one gaming device to another via the use of coded scrip. The method comprises the steps of accepting a cash-out

command in the gaming device, scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device, transmitting a cash-out message comprising the code to a remote processor having access to a database configured to store and retrieve codes from a plurality of gaming devices, receiving a scrip dispense message from the remote processor, and dispensing the scrip. The apparatus comprises a scrip storage unit, a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit, and a processor, communicatively coupled to the scrip transducer and a remote computer having access to a database for storing and retrieving code information from the plurality of gaming devices.

VI. ISSUES PRESENTED FOR REVIEW

Whether claims 1-3 and 7-17 are patentable under 35 U.S.C. §103(a) over Burns in view of Black; and

Whether claims 4 and 5 are patentable under 35 U.S.C. § 103(a) over Burns in view of Black, and further in view of Walker.

VII. GROUPING OF CLAIMS

Separate arguments are presented for the patentability of claims 1, 4 & 5, and 14. Hence, for purposes of determining the patentability, the claims can be grouped into claims 1-3 and 7-13 (Group I), 4 and 5 (Group II), and 14-17 (Group III).

VIII. ARGUMENTS

A. The Independent Claims Are Patentable Over The Prior Art

1. *The Burns Reference*

The Burns reference discloses a coinless slot machine system and method. A gaming apparatus which comprises a slot machine capable of accepting either paper currency, preprinted coupons, or cash out slips is disclosed. The slot machine also includes a printer that prints and dispenses cash out slips, which include a bar code representing a unique identification that provides the amount of "winnings". The cash out slips can be scanned into a separate currency dispenser at a Cashier's Station for receiving currency, either from the dispenser or from an attendant. A central

processing unit (CPU) generates the unique codes for regulating the game to be played, the wager limits of the game and the validity of the free play coupons or the cash out tickets. The above gaming system avoids having to use coins or tokens in the operation of slot machines.

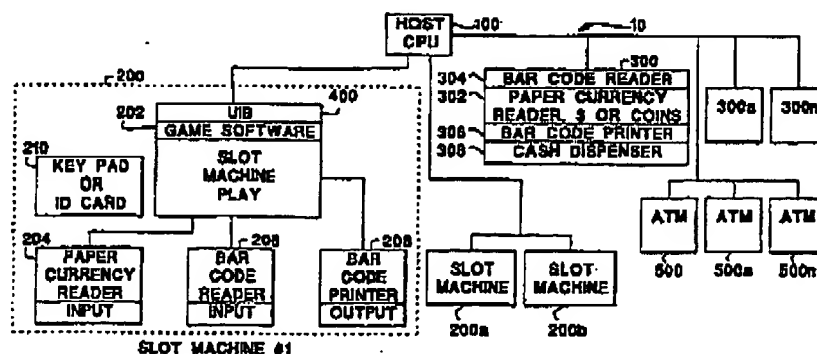
2. *The Black Reference*

The Black reference discloses an apparatus for high speed bulk magnetic encoding of lottery tickets. The apparatus passes a web of tickets by an encoding apparatus which supports plural skates each having wheels or rollers which ride along the surface of the web to provide a controlled gap between the web and a magnetic write head. Also included on the skate are a magnetic read head and an inkjet print head. After encoding and printing, the perforations in the web are bursted, and the web is sliced into individual magnetically encoded lottery tickets.

3. *Claims 1 and 14 are Patentable Over the Burns and Black References*

With Respect to Claim 1: The Burns reference teaches a system in which in response to a cash-out command, the host CPU (100) generates a bar code that is later printed by the slot machine:

The printer 208 prints a bar code 222 on the cash out slip responsive to the instructions from the CPU 100. The CPU 100 generates the bar code to be printed. The bar code 222 represents the monetary value of the value of the credit stored in the particular slot machine 200 on the cash out slips 220, along with a randomly generated number in order to permit the CPU 100 to verify the validity and unique identification of the cash out slip at a later time. (page 10, lines 29-37)



Claim 1 recites the steps of:

1. *A method of providing at least one scrip from a gaming device, comprising the steps of:
accepting a cash-out command in the gaming device;
scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device;
transmitting a cash-out message comprising the code to a remote processor having access to a database
for storing and retrieving codes from a plurality of gaming devices;
receiving a scrip dispense message from the remote processor; and
dispensing the scrip.*

The Burns reference teaches that upon receipt of a cash-out command, the CPU generates a bar code representing the credit stored in the gaming device, and a random number. That bar code is printed by the gaming device. Nothing suggests that the gaming device scan a magnetically manifested (or any) code uniquely identifying the scrip in response to a cash out command, and nothing suggests that the gaming device sends the code to a remote processor.

Consider first the case where a user enters enough coins or cash to play the gaming device. When completed, the user cashes out. Burns teaches that the CPU generates a bar code representing the credits stored in the gaming device, and a random number. This information is presumably transmitted to the gaming device, where the bar code is printed and provided to the user. Certainly, this does not disclose the step of scanning magnetically manifested code uniquely identifying scrip stored in the gaming device, or transmitting a cash out message comprising the code to a remote processor.

Now consider next what happens when the user takes that issued bar code and approaches another gaming machine. Presumably, the gaming machine reads the bar code, transmits it to the CPU, and if the random numbers match, the user is issued credits. In this case, a bar code uniquely identifying the scrip is scanned and transmitted to the CPU, but this scanning operation is not performed in response to a cash out command, nor is the code transmitted to the CPU in a "cash out" message as claim 1 requires.

Finally consider what happens when the user again cashes out. At this point, the gaming machine scans the code and provides the code to the CPU. However, the gaming machine does not dispense *the* scrip, but instead prints out another scrip and issues the new scrip.

The Final Office Action argues that Burns teaches these steps because:

"a cash-out slip with a unique control number is inserted into the machine, the barcode reader scans the barcode printed on the slip and transmits the read information to a remote CPU, the remote CPU will then verify the validity of the cash-out slip. If the unique control

number is one of a plurality of valid codes, then the CPU will transmit a scrip dispense message back to the machine, and the machine will issue a scrip and dispense it to the player, which is a coupon in this case (see page 3, line 34 through page 4, line 24; page 6, lines 27-30; page 6, line 35 through page 7, line 5; page 10, line 31 through page 11, line 10). Therefore the method and apparatus for dispensing a scrip as taught by Burns meets the claimed invention." Final Office Action, page 6, "Response to Arguments"

However, as described above, Burns does not teach scanning a magnetically manifested (or any) code uniquely identifying the scrip in response to a cash out command, sending a message having the scanned code from the gaming device to a remote processor, and dispensing *the* scrip.

The Black reference teaches a magnetic recording and reading head, but otherwise has little else to do with the Applicant's invention. Indeed, Burns itself appears to teach a magnetic recording and reading head (p. 13 lines 26-32).

The Office Action also indicated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Burns and Black references. However, even when combined, the Burns and Black references do not teach the present invention. Further, the Applicant respectfully disagrees that there is any teaching to combine these references. The proffered rationale: "to provide Burns with a more secure system wherein the magnetic code can only be recognized/read by a machine/magnetic reader (i.e. a transducer or magnetic read/write head, etc.)" is insufficient because such security is already assured by virtue of the fact that Burns teaches use of a random code "to permit the CPU 100 to verify the validity and unique identification of the cash out slip 220 at a later time." (See page 10, lines 34-37).

The Final Office Action reiterated this rejection, arguing that:

"In this case, the primary reference to Burns teaches a gaming device for dispensing a scrip comprising, among other things, a scanner for scanning a barcode scrip in response to the cash-out command prior [to] dispensing the scrip to a player. However, Burns is silent with respect to magnetically manifested code. The secondary reference to Black et al. teaches each lottery ticket 64 having a magnetic code 84, which can be read and recorded by a magnetic read head 54 and a magnetic write head 32. Accordingly, the claimed limitation, given the broadest reasonable interpretation, Burns in view of Black et al meets the claimed invention (see rejection above)." Final Office Action, page 7.

The foregoing does not appear to provide a rationale for combining Burns and Black. Further, as described above, even when combined, Burns and Black do not teach all of the features of claim 1.

With Respect to Claim 14: The Office Action and Final Office Action did not appear to provide a separate rationale for the rejection of claims 14-17. Claim 14 recites:

*A device for use in transferring game credits among a plurality of gaming devices, comprising:
a scrip storage unit;
a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit; and
a processor, communicatively coupled to the scrip transducer and a remote processor having access to a database for storing and retrieving code information from the plurality of gaming devices.*

Claim 14 recites a scrip dispensing unit that *reads* and records a magnetically manifested code *on a scrip retrieved from the scrip storage unit*. At best, Burns teaches (1) a scrip dispensing unit that records a magnetically manifested code on an otherwise blank scrip retrieved from a scrip storage unit; and (2) a scrip dispensing unit that reads a magnetically manifested code, but not on a scrip retrieved from the scrip storage unit. The Black reference does not cure this deficiency, and as pointed out above, there is no teaching to combine Burns and Black. Accordingly, claim 14 is allowable as well.

B. The Dependent Claims Are Patentable Over The Prior Art

With Respect to Claims 4 and 5: The Final Office Action rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Burns as modified by Black as applied to claim 1, and further in view of Walker, WO 95/24689 (Walker). The Applicant respectfully traverses these rejections. Claims 4 and 5 include the limitations of claim 1 and are patentable on the same basis. Also, there is no teaching to modify the Burns reference as described in the Walker reference, because unlike the Walker system, the Burns system uses a randomly generated number.

With Respect to Claims 2, 3, and 7-13: Claims 2 and 3 recite the features of claim 1 and are patentable for the same reasons.

With Respect to Claims 15-17: Claims 15-17 recite the features of claim 14 and are patentable for the same reasons.

With Respect to Claim 6: Claim 6 has been indicated as allowable if rewritten in independent form, and is therefore not the subject of this appeal.

IX. CONCLUSION

In light of the above arguments, Appellant respectfully submits that the cited references do

not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features, which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

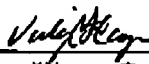
Respectfully submitted,

GATES & COOPER LLP

Attorneys for Applicant

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Date: April 2, 2004

By: 
Name: Victor G. Cooper
Reg. No.: 39,641

VGC/io

G&C 31003.1-US-U5

APPENDIX

1. (ORIGINAL) A method of providing at least one scrip from a gaming device, comprising the steps of:
 - accepting a cash-out command in the gaming device;
 - scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device;
 - transmitting a cash-out message comprising the code to a remote processor having access to a database for storing and retrieving codes from a plurality of gaming devices;
 - receiving a scrip dispense message from the remote processor; and
 - dispensing the scrip.
2. (ORIGINAL) The method of claim 1, wherein the step of accepting a cash-out command comprises the step of accepting a cash-out command from a remote processor.
3. (ORIGINAL) The method of claim 1, wherein the step of accepting a cash-out command comprises the step of accepting a cash-out command from a user playing the gaming device.
4. (ORIGINAL) The method of claim 1, wherein the transmitted message comprising the code is encrypted by the gaming device according to a key accessible by the remote processor.
5. (ORIGINAL) The method of claim 1, wherein the scrip dispense message is encrypted by the remote processor according to a second key accessible to the gaming device.
6. (ORIGINAL) The method of claim 1, wherein the magnetically manifested code is pre-coded.
7. (ORIGINAL) The method of claim 6, wherein the cash-out message further comprises a cash-out balance.

8. (ORIGINAL) The method of claim 7, wherein the method further comprises the steps of:

- accepting the dispensed scrip in a second gaming device;
- scanning the magnetically manifested code on the dispensed scrip;
- transmitting a cash-in message comprising the magnetically manifested code to the remote processor;
- receiving a credit message indicating the cash-out balance;
- storing the scrip in the second gaming device for scanning and redistribution by the second gaming device; and
- providing a number of credits in accordance with the cash-out balance.

9. (ORIGINAL) The method of claim 8, further comprising the steps of:

- accepting a second cash-out command in the second gaming device;
- scanning the magnetically manifested code on the stored dispensed scrip in the second gaming device;
- transmitting a second cash-out message comprising the scanned magnetically manifested code to the remote processor;
- receiving a second scrip dispense message from the remote processor in the second gaming device; and
- dispensing the scrip from the second gaming device.

10. (ORIGINAL) The method of claim 1, further comprising the steps of:

- obtaining a code uniquely identifying the scrip in the gaming device; and
- recording a magnetic manifestation of the code on the scrip.

11. (ORIGINAL) The method of claim 10, wherein the step of generating a code uniquely identifying the scrip in the gaming device comprises the steps of:
transmitting a code request message to the remote processor; and
receiving a message comprising the code from the remote processor.
12. (ORIGINAL) The method of claim 11, wherein the code is generated using a cash-out value received from the gaming device
13. (ORIGINAL) The method of claim 10, wherein the step of generating a code uniquely identifying the scrip in the gaming device comprises the steps of:
generating the code in the gaming device.
14. (CURRENTLY AMENDED) A device for use in transferring game credits among a plurality of gaming devices, comprising:
a scrip storage unit;
a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit; and
a processor, communicatively coupled to the scrip transducer and a remote processor having access to a database for storing and retrieving code information from the plurality of gaming devices.
15. (ORIGINAL) The device of claim 14, further comprising a scrip acceptance unit having a second scrip transducer communicatively coupled to the processor, the second scrip transducer for reading a magnetically manifested code on a scrip dispensed by one of the gaming devices.
16. (ORIGINAL) The device of claim 15, wherein the scrip dispensing unit further comprises a scrip acceptance unit drive system for depositing the scrip dispensed by one of the gaming devices in the scrip storage unit.

17. (ORIGINAL) The device of claim 16, wherein the second scrip transducer includes a read head for erasing the magnetically manifested code before depositing the scrip in the scrip storage unit.

Due Date: April 9, 2004

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Inventor: Stanley P. Dabrowski

Serial #: 09/939,922

Filed: August 27, 2001

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Examiner: Uyen-Chau N. Le

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Appeal No.: _____

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V. SUMMARY OF THE INVENTION

Briefly, Appellant's invention, as recited in independent claims 1 and 14, is described as method, apparatus, and article of manufacture for transferring credits from one gaming device to another via the use of coded scrip. The method comprises the steps of accepting a cash-out

command in the gaming device, scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device, transmitting a cash-out message comprising the code to a remote processor having access to a database configured to store and retrieve codes from a plurality of gaming devices, receiving a scrip dispense message from the remote processor, and dispensing the scrip. The apparatus comprises a scrip storage unit, a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit, and a processor, communicatively coupled to the scrip transducer and a remote computer having access to a database for storing and retrieving code information from the plurality of gaming devices.

VI. ISSUES PRESENTED FOR REVIEW

Whether claims 1-3 and 7-17 are patentable under 35 U.S.C. §103(a) over Burns in view of Black; and

Whether claims 4 and 5 are patentable under 35 U.S.C. § 103(a) over Burns in view of Black, and further in view of Walker.

VII. GROUPING OF CLAIMS

Separate arguments are presented for the patentability of claims 1, 4 & 5, and 14. Hence, for purposes of determining the patentability, the claims can be grouped into claims 1-3 and 7-13 (Group I), 4 and 5 (Group II), and 14-17 (Group III).

VIII. ARGUMENTS

A. The Independent Claims Are Patentable Over The Prior Art

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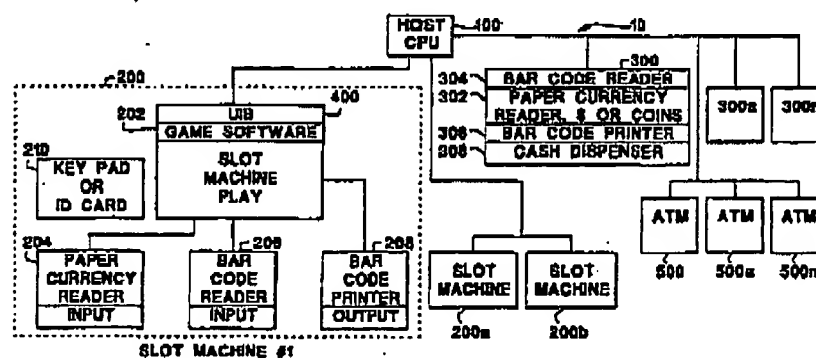
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3. Claims 1 and 14 are Patentable Over the Burns and Black References

With Respect to Claim 1: The Burns reference teaches a system in which in response to a cash-out command, the host CPU (100) generates a bar code that is later printed by the slot machine:

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Claim 1 recites the steps of:

1. *A method of providing at least one scrip from a gaming device, comprising the steps of: accepting a cash-out command in the gaming device; scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device; transmitting a cash-out message comprising the code to a remote processor having access to a database for storing and retrieving codes from a plurality of gaming devices; receiving a scrip dispense message from the remote processor; and dispensing the scrip.*

The Burns reference teaches that upon receipt of a cash-out command, the CPU generates a bar code representing the credit stored in the gaming device, and a random number. That bar code is printed by the gaming device. Nothing suggests that the gaming device scan a magnetically manifested (or any) code uniquely identifying the scrip in response to a cash out command, and nothing suggests that the gaming device sends the code to a remote processor.

Consider first the case where a user enters enough coins or cash to play the gaming device. When completed, the user cashes out. Burns teaches that the CPU generates a bar code representing the credits stored in the gaming device, and a random number. This information is presumably transmitted to the gaming device, where the bar code is printed and provided to the user. Certainly, this does not disclose the step of scanning magnetically manifested code uniquely identifying scrip stored in the gaming device, or transmitting a cash out message comprising the code to a remote processor.

Now consider next what happens when the user takes that issued bar code and approaches another gaming machine. Presumably, the gaming machine reads the bar code, transmits it to the CPU, and if the random numbers match, the user is issued credits. In this case, a bar code uniquely identifying the scrip is scanned and transmitted to the CPU, but this scanning operation is not performed in response to a cash out command, nor is the code transmitted to the CPU in a "cash out" message as claim 1 requires.

Finally consider what happens when the user again cashes out. At this point, the gaming machine scans the code and provides the code to the CPU. However, the gaming machine does not dispense *the* scrip, but instead prints out another scrip and issues the new scrip.

The Final Office Action argues that Burns teaches these steps because:

"a cash-out slip with a unique control number is inserted into the machine, the barcode reader scans the barcode printed on the slip and transmits the read information to a remote CPU, the remote CPU will then verify the validity of the cash-out slip. If the unique control

number is one of a plurality of valid codes, then the CPU will transmit a scrip dispense message back to the machine, and the machine will issue a scrip and dispense it to the player, which is a coupon in this case (see page 3, line 34 through page 4, line 24; page 6, lines 27-30; page 6, line 35 through page 7, line 5; page 10, line 31 through page 11, line 10). Therefore the method and apparatus for dispensing a scrip as taught by Burns meets the claimed invention." Final Office Action, page 6, "Response to Arguments"

However, as described above, Burns does not teach scanning a magnetically manifested (or any) code uniquely identifying the scrip in response to a cash out command, sending a message having the scanned code from the gaming device to a remote processor, and dispensing *the* scrip.

The Black reference teaches a magnetic recording and reading head, but otherwise has little else to do with the Applicant's invention. Indeed, Burns itself appears to teach a magnetic recording and reading head (p. 13 lines 26-32).

The Office Action also indicated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Burns and Black references. However, even when combined, the Burns and Black references do not teach the present invention. Further, the Applicant respectfully disagrees that there is any teaching to combine these references. The proffered rationale: "to provide Burns with a more secure system wherein the magnetic code can only be recognized/read by a machine/magnetic reader (i.e. a transducer or magnetic read/write head, etc.)" is insufficient because such security is already assured by virtue of the fact that Burns teaches use of a random code "to permit the CPU 100 to verify the validity and unique identification of the cash out slip 220 at a later time." (See page 10, lines 34-37).

The Final Office Action reiterated this rejection, arguing that

"In this case, the primary reference to Burns teaches a gaming device for dispensing a scrip comprising, among other things, a scanner for scanning a barcode scrip in response to the cash-out command prior [to] dispensing the scrip to a player. However, Burns is silent with respect to magnetically manifested code. The secondary reference to Black et al. teaches each lottery ticket 64 having a magnetic code 84, which can be read and recorded by a magnetic read head 54 and a magnetic write head 32. Accordingly, the claimed limitation, given the broadest reasonable interpretation, Burns in view of Black et al meets the claimed invention (see rejection above)." Final Office Action, page 7.

The foregoing does not appear to provide a rationale for combining Burns and Black. Further, as described above, even when combined, Burns and Black do not teach all of the features of claim 1.

With Respect to Claim 14: The Office Action and Final Office Action did not appear to provide a separate rationale for the rejection of claims 14-17. Claim 14 recites:

*A device for use in transferring game credits among a plurality of gaming devices, comprising:
a scrip storage unit;
a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit; and
a processor, communicatively coupled to the scrip transducer and a remote processor having access to a database for storing and retrieving code information from the plurality of gaming devices.*

Claim 14 recites a scrip dispensing unit that *reads* and records a magnetically manifested code on a scrip retrieved from the scrip storage unit. At best, Burns teaches (1) a scrip dispensing unit that records a magnetically manifested code on an otherwise blank scrip retrieved from a scrip storage unit; and (2) a scrip dispensing unit that reads a magnetically manifested code, but not on a scrip retrieved from the scrip storage unit. The Black reference does not cure this deficiency, and as pointed out above, there is no teaching to combine Burns and Black. Accordingly, claim 14 is allowable as well.

B. The Dependent Claims Are Patentable Over The Prior Art

With Respect to Claims 4 and 5: The Final Office Action rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Burns as modified by Black as applied to claim 1, and further in view of Walker, WO 95/24689 (Walker). The Applicant respectfully traverses these rejections. Claims 4 and 5 include the limitations of claim 1 and are patentable on the same basis. Also, there is no teaching to modify the Burns reference as described in the Walker reference, because unlike the Walker system, the Burns system uses a randomly generated number.

With Respect to Claims 2, 3, and 7-13: Claims 2 and 3 recite the features of claim 1 and are patentable for the same reasons.

With Respect to Claims 15-17: Claims 15-17 recite the features of claim 14 and are patentable for the same reasons.

With Respect to Claim 6: Claim 6 has been indicated as allowable if rewritten in independent form, and is therefore not the subject of this appeal.

IX. CONCLUSION

In light of the above arguments, Appellant respectfully submits that the cited references do

not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features, which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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VGC/io

G&C 31003.1-US-U5

APPENDIX

1. (ORIGINAL) A method of providing at least one scrip from a gaming device, comprising the steps of:
 - accepting a cash-out command in the gaming device;
 - scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device;
 - transmitting a cash-out message comprising the code to a remote processor having access to a database for storing and retrieving codes from a plurality of gaming devices;
 - receiving a scrip dispense message from the remote processor; and
 - dispensing the scrip.
2. (ORIGINAL) The method of claim 1, wherein the step of accepting a cash-out command comprises the step of accepting a cash-out command from a remote processor.
3. (ORIGINAL) The method of claim 1, wherein the step of accepting a cash-out command comprises the step of accepting a cash-out command from a user playing the gaming device.
4. (ORIGINAL) The method of claim 1, wherein the transmitted message comprising the code is encrypted by the gaming device according to a key accessible by the remote processor.
5. (ORIGINAL) The method of claim 1, wherein the scrip dispense message is encrypted by the remote processor according to a second key accessible to the gaming device.
6. (ORIGINAL) The method of claim 1, wherein the magnetically manifested code is pre-coded.
7. (ORIGINAL) The method of claim 6, wherein the cash-out message further comprises a cash-out balance.

8. (ORIGINAL) The method of claim 7, wherein the method further comprises the steps of:

- accepting the dispensed scrip in a second gaming device;
- scanning the magnetically manifested code on the dispensed scrip;
- transmitting a cash-in message comprising the magnetically manifested code to the remote processor;
- receiving a credit message indicating the cash-out balance;
- storing the scrip in the second gaming device for scanning and redistribution by the second gaming device; and
- providing a number of credits in accordance with the cash-out balance.

9. (ORIGINAL) The method of claim 8, further comprising the steps of:

- accepting a second cash-out command in the second gaming device;
- scanning the magnetically manifested code on the stored dispensed scrip in the second gaming device;
- transmitting a second cash-out message comprising the scanned magnetically manifested code to the remote processor;
- receiving a second scrip dispense message from the remote processor in the second gaming device; and
- dispensing the scrip from the second gaming device.

10. (ORIGINAL) The method of claim 1, further comprising the steps of:

- obtaining a code uniquely identifying the scrip in the gaming device; and
- recording a magnetic manifestation of the code on the scrip.

11. (ORIGINAL) The method of claim 10, wherein the step of generating a code uniquely identifying the scrip in the gaming device comprises the steps of:

transmitting a code request message to the remote processor; and
receiving a message comprising the code from the remote processor.

12. (ORIGINAL) The method of claim 11, wherein the code is generated using a cash-out value received from the gaming device

13. (ORIGINAL) The method of claim 10, wherein the step of generating a code uniquely identifying the scrip in the gaming device comprises the steps of:
generating the code in the gaming device.

14. (CURRENTLY AMENDED) A device for use in transferring game credits among a plurality of gaming devices, comprising:

a scrip storage unit;

a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit; and

a processor, communicatively coupled to the scrip transducer and a remote processor having access to a database for storing and retrieving code information from the plurality of gaming devices.

15. (ORIGINAL) The device of claim 14, further comprising a scrip acceptance unit having a second scrip transducer communicatively coupled to the processor, the second scrip transducer for reading a magnetically manifested code on a scrip dispensed by one of the gaming devices.

16. (ORIGINAL) The device of claim 15, wherein the scrip dispensing unit further comprises a scrip acceptance unit drive system for depositing the scrip dispensed by one of the gaming devices in the scrip storage unit.

17. (ORIGINAL) The device of claim 16, wherein the second scrip transducer includes a read head for erasing the magnetically manifested code before depositing the scrip in the scrip storage unit.

Due Date: April 9, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Inventor: Stanley P. Dabrowski

Serial #: 09/939,922

Filed: August 27, 2001

Title: METHOD AND APPARATUS FOR SCRI
DISTRIBUTION AND MANAGEMENT
PERMITTING REDISTRIBUTION OF ISSUED
SCRIP

Examiner: Uyen-Chau N. Le

Group Art Unit: 2876

Appeal No.: _____

BRIEF OF APPELLANT

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellant hereby submits the Appellant's Brief on Appeal from the final rejection in the above-identified application, in triplicate, as set forth in the Office Action dated November 10, 2003.

Please charge the amount of \$165 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) for a small entity to Deposit Account No. 50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I. REAL PARTY IN INTEREST

The real party in interest is Stanley P. Dabrowski, the inventor of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-17 are pending in the application.

Claim 6 is indicated as including patentable subject matter, and is objected to, but not rejected.

Claim 1 is rejected under the judicially created obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,598,788 (hereinafter the '788 patent). The Applicant has submitted an amendment under 37 C.F.R. § 1.116 to enter a terminal disclaimer to moot this rejection. This rejection is not being appealed.

Claims 1-3 and 7-17 were rejected under 35 U.S.C. §103(a) as being obvious over international publication number WO 94/16781 by Burns et al. (hereinafter "Burns") in view of U.S. Patent No. 4,835,624 to Black et al. (hereinafter "Black"), and these rejections are being appealed.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of Black, and further in view of international publication WO 95/24689 by Walker (hereinafter "Walker"), and these rejections are being appealed.

IV. STATUS OF AMENDMENTS

An Amendment under 37 C.F.R. § 1.116 was filed on April 2, 2004, to amend claim 14 to correct a grammatical error and to enter a terminal disclaimer mooting the double-patenting rejection of claim 1. No further amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF THE INVENTION

Briefly, Appellant's invention, as recited in independent claims 1 and 14, is described as method, apparatus, and article of manufacture for transferring credits from one gaming device to another via the use of coded scrip. The method comprises the steps of accepting a cash-out

command in the gaming device, scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device, transmitting a cash-out message comprising the code to a remote processor having access to a database configured to store and retrieve codes from a plurality of gaming devices, receiving a scrip dispense message from the remote processor, and dispensing the scrip. The apparatus comprises a scrip storage unit, a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit, and a processor, communicatively coupled to the scrip transducer and a remote computer having access to a database for storing and retrieving code information from the plurality of gaming devices.

VI. ISSUES PRESENTED FOR REVIEW

Whether claims 1-3 and 7-17 are patentable under 35 U.S.C. §103(a) over Burns in view of Black; and

Whether claims 4 and 5 are patentable under 35 U.S.C. § 103(a) over Burns in view of Black, and further in view of Walker.

VII. GROUPING OF CLAIMS

Separate arguments are presented for the patentability of claims 1, 4 & 5, and 14. Hence, for purposes of determining the patentability, the claims can be grouped into claims 1-3 and 7-13 (Group I), 4 and 5 (Group II), and 14-17 (Group III).

VIII. ARGUMENTS

A. The Independent Claims Are Patentable Over The Prior Art

1. *The Burns Reference*

The Burns reference discloses a coinless slot machine system and method. A gaming apparatus which comprises a slot machine capable of accepting either paper currency, preprinted coupons, or cash out slips is disclosed. The slot machine also includes a printer that prints and dispenses cash out slips, which include a bar code representing a unique identification that provides the amount of "winnings". The cash out slips can be scanned into a separate currency dispenser at a Cashier's Station for receiving currency, either from the dispenser or from an attendant. A central

processing unit (CPU) generates the unique codes for regulating the game to be played, the wager limits of the game and the validity of the free play coupons or the cash out tickets. The above gaming system avoids having to use coins or tokens in the operation of slot machines.

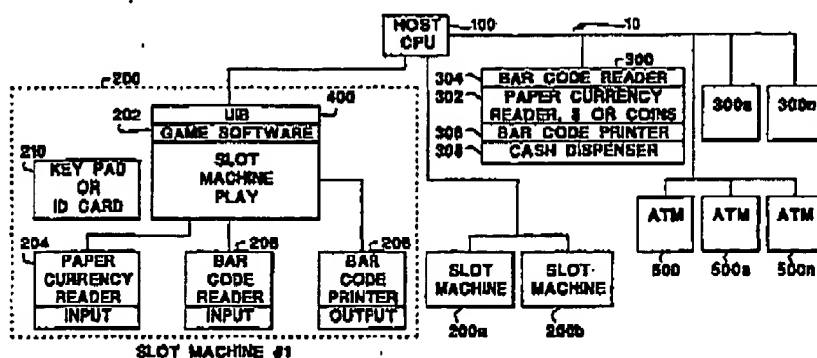
2. *The Black Reference*

The Black reference discloses an apparatus for high speed bulk magnetic encoding of lottery tickets. The apparatus passes a web of tickets by an encoding apparatus which supports plural skates each having wheels or rollers which ride along the surface of the web to provide a controlled gap between the web and a magnetic write head. Also included on the skate are a magnetic read head and an inkjet print head. After encoding and printing, the perforations in the web are bursted, and the web is sliced into individual magnetically encoded lottery tickets.

3. *Claims 1 and 14 are Patentable Over the Burns and Black References*

With Respect to Claim 1: The Burns reference teaches a system in which in response to a cash-out command, the host CPU (100) generates a bar code that is later printed by the slot machine:

The printer 208 prints a bar code 222 on the cash out slip responsive to the instructions from the CPU 100. The CPU 100 generates the bar code to be printed. The bar code 222 represents the monetary value of the value of the credit stored in the particular slot machine 200 on the cash out slips 220, along with a randomly generated number in order to permit the CPU 100 to verify the validity and unique identification of the cash out slip at a later time. (page 10, lines 29-37)



Claim 1 recites the steps of:

1. *A method of providing at least one scrip from a gaming device, comprising the steps of:
accepting a cash-out command in the gaming device;
scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device;
transmitting a cash-out message comprising the code to a remote processor having access to a database
for storing and retrieving codes from a plurality of gaming devices;
receiving a scrip dispense message from the remote processor; and
dispensing the scrip.*

The Burns reference teaches that upon receipt of a cash-out command, the CPU generates a bar code representing the credit stored in the gaming device, and a random number. That bar code is printed by the gaming device. Nothing suggests that the gaming device scan a magnetically manifested (or any) code uniquely identifying the scrip in response to a cash out command, and nothing suggests that the gaming device sends the code to a remote processor.

Consider first the case where a user enters enough coins or cash to play the gaming device. When completed, the user cashes out. Burns teaches that the CPU generates a bar code representing the credits stored in the gaming device, and a random number. This information is presumably transmitted to the gaming device, where the bar code is printed and provided to the user. Certainly, this does not disclose the step of scanning magnetically manifested code uniquely identifying scrip stored in the gaming device, or transmitting a cash out message comprising the code to a remote processor.

Now consider next what happens when the user takes that issued bar code and approaches another gaming machine. Presumably, the gaming machine reads the bar code, transmits it to the CPU, and if the random numbers match, the user is issued credits. In this case, a bar code uniquely identifying the scrip is scanned and transmitted to the CPU, but this scanning operation is not performed in response to a cash out command, nor is the code transmitted to the CPU in a "cash out" message as claim 1 requires.

Finally consider what happens when the user again cashes out. At this point, the gaming machine scans the code and provides the code to the CPU. However, the gaming machine does not dispense the scrip, but instead prints out another scrip and issues the new scrip.

The Final Office Action argues that Burns teaches these steps because:

"a cash-out slip with a unique control number is inserted into the machine, the barcode reader scans the barcode printed on the slip and transmits the read information to a remote CPU, the remote CPU will then verify the validity of the cash-out slip. If the unique control

number is one of a plurality of valid codes, then the CPU will transmit a scrip dispense message back to the machine, and the machine will issue a scrip and dispense it to the player, which is a coupon in this case (see page 3, line 34 through page 4, line 24; page 6, lines 27-30; page 6, line 35 through page 7, line 5; page 10, line 31 through page 11, line 10). Therefore the method and apparatus for dispensing a scrip as taught by Burns meets the claimed invention." Final Office Action, page 6, "Response to Arguments"

However, as described above, Burns does not teach scanning a magnetically manifested (or any) code uniquely identifying the scrip in response to a cash out command, sending a message having the scanned code from the gaming device to a remote processor, and dispensing *the* scrip.

The Black reference teaches a magnetic recording and reading head, but otherwise has little else to do with the Applicant's invention. Indeed, Burns itself appears to teach a magnetic recording and reading head (p. 13 lines 26-32).

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The Final Office Action reiterated this rejection, arguing that:

"In this case, the primary reference to Burns teaches a gaming device for dispensing a scrip comprising, among other things, a scanner for scanning a barcode scrip in response to the cash-out command prior [to] dispensing the scrip to a player. However, Burns is silent with respect to magnetically manifested code. The secondary reference to Black et al. teaches each lottery ticket 64 having a magnetic code 84, which can be read and recorded by a magnetic read head 54 and a magnetic write head 32. Accordingly, the claimed limitation, given the broadest reasonable interpretation, Burns in view of Black et al meets the claimed invention (see rejection above)." Final Office Action, page 7.

The foregoing does not appear to provide a rationale for combining Burns and Black. Further, as described above, even when combined, Burns and Black do not teach all of the features of claim 1.

With Respect to Claim 14: The Office Action and Final Office Action did not appear to provide a separate rationale for the rejection of claims 14-17. Claim 14 recites:

*A device for use in transferring game credits among a plurality of gaming devices, comprising:
a scrip storage unit;
a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit; and
a processor, communicatively coupled to the scrip transducer and a remote processor having access to a database for storing and retrieving code information from the plurality of gaming devices.*

Claim 14 recites a scrip dispensing unit that reads and records a magnetically manifested code on a scrip retrieved from the scrip storage unit. At best, Burns teaches (1) a scrip dispensing unit that records a magnetically manifested code on an otherwise blank scrip retrieved from a scrip storage unit; and (2) a scrip dispensing unit that reads a magnetically manifested code, but not on a scrip retrieved from the scrip storage unit. The Black reference does not cure this deficiency, and as pointed out above, there is no teaching to combine Burns and Black. Accordingly, claim 14 is allowable as well.

B. The Dependent Claims Are Patentable Over The Prior Art

With Respect to Claims 4 and 5: The Final Office Action rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Burns as modified by Black as applied to claim 1, and further in view of Walker, WO 95/24689 (Walker). The Applicant respectfully traverses these rejections. Claims 4 and 5 include the limitations of claim 1 and are patentable on the same basis. Also, there is no teaching to modify the Burns reference as described in the Walker reference, because unlike the Walker system, the Burns system uses a randomly generated number.

With Respect to Claims 2, 3, and 7-13: Claims 2 and 3 recite the features of claim 1 and are patentable for the same reasons.

With Respect to Claims 15-17: Claims 15-17 recite the features of claim 14 and are patentable for the same reasons.

With Respect to Claim 6: Claim 6 has been indicated as allowable if rewritten in independent form, and is therefore not the subject of this appeal.

IX. CONCLUSION

In light of the above arguments, Appellant respectfully submits that the cited references do

not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features, which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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Date: April 2, 2004

By: Victor G. Cooper
Name: Victor G. Cooper
Reg. No.: 39,641

VGC/io

G&C 31003.1-US-U5

APPENDIX

1. (ORIGINAL) A method of providing at least one scrip from a gaming device, comprising the steps of:
 - accepting a cash-out command in the gaming device;
 - scanning a magnetically manifested code uniquely identifying a scrip stored in the gaming device;
 - transmitting a cash-out message comprising the code to a remote processor having access to a database for storing and retrieving codes from a plurality of gaming devices;
 - receiving a scrip dispense message from the remote processor; and
 - dispensing the scrip.
2. (ORIGINAL) The method of claim 1, wherein the step of accepting a cash-out command comprises the step of accepting a cash-out command from a remote processor.
3. (ORIGINAL) The method of claim 1, wherein the step of accepting a cash-out command comprises the step of accepting a cash-out command from a user playing the gaming device.
4. (ORIGINAL) The method of claim 1, wherein the transmitted message comprising the code is encrypted by the gaming device according to a key accessible by the remote processor.
5. (ORIGINAL) The method of claim 1, wherein the scrip dispense message is encrypted by the remote processor according to a second key accessible to the gaming device.
6. (ORIGINAL) The method of claim 1, wherein the magnetically manifested code is pre-coded.
7. (ORIGINAL) The method of claim 6, wherein the cash-out message further comprises a cash-out balance.

8. (ORIGINAL) The method of claim 7, wherein the method further comprises the steps of:
- accepting the dispensed scrip in a second gaming device;
 - scanning the magnetically manifested code on the dispensed scrip;
 - transmitting a cash-in message comprising the magnetically manifested code to the remote processor;
 - receiving a credit message indicating the cash-out balance;
 - storing the scrip in the second gaming device for scanning and redistribution by the second gaming device; and
 - providing a number of credits in accordance with the cash-out balance.
9. (ORIGINAL) The method of claim 8, further comprising the steps of:
- accepting a second cash-out command in the second gaming device;
 - scanning the magnetically manifested code on the stored dispensed scrip in the second gaming device;
 - transmitting a second cash-out message comprising the scanned magnetically manifested code to the remote processor;
 - receiving a second scrip dispense message from the remote processor in the second gaming device; and
 - dispensing the scrip from the second gaming device.
10. (ORIGINAL) The method of claim 1, further comprising the steps of:
- obtaining a code uniquely identifying the scrip in the gaming device; and
 - recording a magnetic manifestation of the code on the scrip.

11. (ORIGINAL) The method of claim 10, wherein the step of generating a code uniquely identifying the scrip in the gaming device comprises the steps of:
transmitting a code request message to the remote processor; and
receiving a message comprising the code from the remote processor.
12. (ORIGINAL) The method of claim 11, wherein the code is generated using a cash-out value received from the gaming device
13. (ORIGINAL) The method of claim 10, wherein the step of generating a code uniquely identifying the scrip in the gaming device comprises the steps of:
generating the code in the gaming device.
14. (CURRENTLY AMENDED) A device for use in transferring game credits among a plurality of gaming devices, comprising:
a scrip storage unit;
a scrip dispensing unit having a scrip transducer for reading and recording a magnetically manifested code on a scrip retrieved from the scrip storage unit; and
a processor, communicatively coupled to the scrip transducer and a remote processor having access to a database for storing and retrieving code information from the plurality of gaming devices.
15. (ORIGINAL) The device of claim 14, further comprising a scrip acceptance unit having a second scrip transducer communicatively coupled to the processor, the second scrip transducer for reading a magnetically manifested code on a scrip dispensed by one of the gaming devices.
16. (ORIGINAL) The device of claim 15, wherein the scrip dispensing unit further comprises a scrip acceptance unit drive system for depositing the scrip dispensed by one of the gaming devices in the scrip storage unit.

17. (ORIGINAL) The device of claim 16, wherein the second scrip transducer includes a read head for erasing the magnetically manifested code before depositing the scrip in the scrip storage unit.